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Citizenship Controversies in Germany: The Twin Legacy of *Völkisch* Nationalism and the *Alleinvertretungsanspruch*

PATRICIA HOGWOOD

For many Germans, citizenship is a problematic and emotive issue, as is demonstrated by the controversies generated around current attempts to modernise and 'normalise' German citizenship law. This article looks to German history to account for the failure of successive governments to effect such change. It asserts that two key historical developments have been decisive in stalling a 'normal' western European pattern of policy development in this field. First, the concept and law of citizenship in Germany were originally formulated in the context of nation-state development based on cultural or 'völkisch' nationalism. Second, West German governments subordinated the development of citizenship policy to the aim of upholding the West German claim to be the sole legitimate representative of the Germans, thereby denying the legitimacy of the GDR. The unification of Germany in 1990 removed the specific constraints which had brought about the stalled citizenship policy. The article contrasts a Kulturnation (ethno-cultural) stance on citizenship issues with a Verfassungsnation (civic-territorial) understanding, and identifies contemporary partisan positions within this conceptual framework.

For many Germans, citizenship is a particularly problematic and emotive issue, as is demonstrated by the controversies generated around current attempts to modernise and 'normalise' German citizenship law. This paper looks to German history to account for the difficulties successive German governments' have faced in simply addressing citizenship issues, let alone effecting change in citizenship policy. It asserts that two key historical developments were decisive in stalling a 'normal' western European pattern of policy development in this field from 1949 to the mid-1990s. These were the cultural or 'völkisch' basis of German nationalism, and the symbolic deployment of citizenship policy to challenge the territorial division of

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Germany. The ongoing development of partisan positions on issues of immigration and citizenship in united Germany is of interest for two reasons. First, the party debate of the 1990s reveals that conflicting concepts of German identity dating from the nineteenth century are still present, and represented by competing partisan positions, in united Germany. Second, it suggests that the parties are now beginning to adjust to post-unification and post-Cold War structural realities in a way which will allow them to pursue citizenship policy as an end in itself. It is this process of adjustment to social and international developments which has permitted the SPD/Green coalition government in power since 1998 to countenance a move away from the archaic status quo upheld for so long by previous governments.

NATION-STATE BUILDING AND THE *VÖLKISCH* CONCEPT OF CITIZENSHIP

Both as a focus of social identity and as an element of political discourse, national consciousness in Germany emerged in the early nineteenth century, much later than in England, France or Russia. Many of the prerequisites of a national movement had been in place long before, but had been blocked or diverted by parallel historical developments.² When German nationalism did finally manifest itself during the Wars of Liberation from Napoleonic domination, its development was precipitous, establishing within a decade characteristics which had taken a full century to emerge in other countries. 'One cannot speak of it before 1806; by 1815 it had come of age'.³ It was during the Napoleonic period that the concept of the sovereign territorial state with clear frontiers and a constitutional relationship with its subjects took hold in Germany.⁴ The national movement was articulated and carried by a newly emerged, socially aspiring but marginalised class of educated commoners, the *Bildungsbürgertum* (intellectual bourgeoisie), which had no place within the rigidly delineated social structures of the time. In the context of the history of ideas, the movement was shaped by the backlash against the values of the *Aufklärung* (Enlightenment), particularly Pietism and Romanticism. In all, this context of external conflict and social and intellectual ferment prompted the development of a distinctive German variant of nationalism.

A.D. Smith⁵ makes a conceptual distinction between motivations for nationalism based on ethnic and cultural commonalities and those founded within a civic and territorial framework. German nationalism was first formulated on the basis of ethnic and cultural commonalities. For one, the objective focus for an alternative civic-territorial nationalism, the unitary nation state, was not realisable until 1871.⁶ Throughout the duration of the First Empire (843–1806), there had never been a lasting capital city identifiable as a national residential, commercial and cultural centre.⁷

Moreover, the ethno-cultural model had far greater relevance for Germany. The German nation is one of Europe's oldest linguistic, cultural and ethnic units. For centuries, 'Germany' had been a psychological and cultural reality rather than a political one; the German language the most tangible aspect of that reality.⁸ To this day, the notion of '*Sprachnation*', a national community based on a shared language, remains a relevant concept in German politics. The Romantic movement, which accompanied the nationalist movement of the nineteenth century, idealised 'history' and defined German nationality in terms of its historical cultural development, embellished with stories from German mythology. Ethnicity became the core feature and normative value of the new German nationalism. The German '*Volk*' (people) were seen as inherently superior. Herder's concept of the '*Völkgeist*' (literally 'the spirit of the people', commonly translated as the 'national spirit') expressed the unity of the people through history, language and culture. This concept was inflated by the Romantics to an almost mystical level.⁹ Taken together with Hegel's notion of the primacy of the state, interpreted by Treitschke (1879) and others as the glorification of state power, the mystical superiority of the German *Volk* was to promote a violently inflated concept of nationalism.

The concept and law of citizenship in Germany were originally formulated within this context of nation-state development based on cultural or '*völkisch*' nationalism. *Völkisch* nationalism influenced the Citizenship Law of 1913.¹⁰ This remained in force throughout the life of the Bonn Regime until its amendment through the Law Reforming the Right of Citizenship of 15 July 1999, which came into force on 1 January 2000. According to the Citizenship Law of 1913, and to prior legal tradition, German citizenship was passed on through blood lineage (*jus sanguinis*), rather than through the membership of a state territorial community (*jus soli*). While upholding the *jus sanguinis* principle, the recent reform supplements it with a *jus soli* element in extending, under certain conditions, the right of citizenship to children born in Germany of foreign-born parents. While the amendment represents a move towards a civic-territorial concept of citizenship more in line with that found in neighbouring western European countries, this development comes comparatively late, is both limited in scope and contingent in parts. (The amendment and its implications will be discussed in more depth below.)

Uniquely, German citizenship law distinguishes three categories of people: citizens, foreigners and 'ethnic' or 'status' Germans.¹¹ The category of ethnic Germans extends potential German citizenship to specific groups of foreign nationals currently living outside German state territorial boundaries. Ethnic Germans are people of German descent living outside the territorial boundaries of the FRG, and, in many cases, holding rights of

citizenship in another country. Under German law, they have automatic right of entry to and citizenship of the FRG. In this, they are privileged over other would-be immigrants. The positive discrimination enjoyed by ethnic Germans has been heightened by the fact that German law and policies have discouraged naturalisation for 'non-German' foreign nationals, even those who have lived in the FRG all their lives.

THE SUBORDINATED CITIZENSHIP CONCEPT UNDER THE CONTESTED STATE: THE *ALLEINVERTRETUNGSANSPRUCH*

A further defining moment in the German concept of citizenship came about through the country's efforts to adjust to the constraints on its sovereignty and the division of its territories imposed at the close of the Second World War. With the onset of the Cold War, the FRG was established as an expressly anti-communist state. Under the CDU-led governments of the early years, anti-communism became an important aspect of the country's perception of democracy and its self-perception.¹² Another defining feature of the FRG was its commitment to the reunification of Germany. In addition, the FRG was established as a 'state of law' (*Rechtsstaat*). For Allied and German political leaders alike, democratic constitutionalism was to be the key normative characteristic of the new West German state. It was to distinguish the regime in Bonn from the lawlessness of the Third Reich and from the Soviet authoritarianism taking hold in 'Middle Germany'. The FRG's self-perception as a state of law was to remain a notable feature of its domestic politics and external relations. One of the ways in which it was expressed was a tendency to seek a justification in legal principles for its priorities and actions. This was particularly evident in statements and policies which concerned the aim of state unity. The Basic Law of 1949 required 'the entire German people ... to achieve in free self-determination the unity and freedom of Germany'. Together, these features of the new FRG's state rationale were to be articulated through the *Alleinvertretungsanspruch* (sole right of representation of the Germans), which in turn was to have enormous consequences for the interpretation of German citizenship in the FRG.

The FRG claimed to be the sole legal heir of the German *Reich*, a claim which simultaneously upheld the continuity of the German state tradition of 1871–1945 and denied the GDR any share of this tradition. Given the external restrictions on the FRG in terms of foreign policy, the *Alleinvertretungsanspruch* had no basis in law, but was symbolic in character.¹³ Following the enactment of the Basic Law, though, successive West German legal scholars, often with government backing, produced elaborate arguments to 'prove' that the FRG was identical with, or at least the only legal successor to, the old German Reich. In consequence, the GDR

could under no circumstances be considered a state as defined by international law.¹⁴ The legitimacy of such claims was enhanced by decisions of the FRG's Federal Constitutional Court, which determined that there had been a legal transfer of the 'state essence' of the earlier, unified German state to the political organs of the FRG.¹⁵ Schweigler noted¹⁶ that in spite of the SPD government's landmark recognition, in 1972, of the division of the German nation into two state forms, the CDU/CSU had never given up the FRG's claim to the legal and moral sole right of representation of the Germans.

As part of the wider post-war project to rehabilitate the German nation state and to restore its territorial integrity, West German governments subordinated the development of German citizenship policy as a policy area in its own right to the aim of upholding the *Alleinvertretungsanspruch*. Following the logic dictated by the *Alleinvertretungsanspruch*, the FRG insisted on the continued validity of a single German citizenship and extended citizenship rights to those ethnic Germans now living outside the *de facto* boundaries of the FRG. FRG citizenship was never represented as 'West German', but as 'German'. Article 116 of the Basic Law stated that 'everyone is a German ... who holds German citizenship or who, as a refugee or expellee of German extraction, or as a spouse or descendant of such a person, has been admitted to the territory of the German Reich as it existed on December 31, 1937'. Kanstroom notes the argument put forward by Hailbronner and others explaining the FRG's failure to create a new citizenship law in the post-war period to reflect the realities of the territorial division: 'West Germany did not wish to destroy the fiction that a unified Reich continued to exist. According to this view, alteration of the citizenship law would have implicitly rejected the goal of reunification required by the Preamble of the Basic Law.'¹⁷ The particular circumstances of the early post-war period effectively reinforced and relegitimised the ethno-cultural focus of the citizenship concept in the FRG; it gained emotive force through the extent and brutality of the post-war expulsions of ethnic Germans from eastern Europe and the Soviet Union.¹⁸

So, in holding FRG citizenship open to all Germans, including those currently living outside the territorial boundaries of the FRG, citizenship policy in the FRG was used instrumentally and symbolically for the 'higher' purposes of articulating the West German state rationale, both in law and in German-German relations. Together with the constitutional right to asylum, the citizenship law played its part in what could be termed 'state posturing' with respect to state aims, which, at that time, could not be actively pursued.¹⁹ The symbolic deployment of citizenship policy to challenge the status quo of the territorial division of Germany effectively blocked the potential for policy development to meet those concerns more usually associated with citizenship policy, including issues of immigration, the

special and increasingly archaic status of 'ethnic Germans', and the naturalisation of long-term foreign residents. Until the late 1980s and early 1990s, then, the FRG's self-perception as a state representing the legal continuity of the German *Reich* continued to inhibit a free political debate on related issues of citizenship, immigration and asylum. The FRG's citizenship policy did not and could not primarily serve the country's internal resident population. Successive governments and the mainstream parties treated citizenship and immigration as non-issues in order to avoid drawing attention to some very sensitive areas in German political life. Throughout the Bonn Republic, the legal definition of German citizenship became increasingly problematic, but it was not until the 1990s that the mainstream parties became willing to engage in a wider discussion of citizenship and related issues.

UNIFICATION AND MASS IMMIGRATION: CATALYSTS FOR THE MODERNISATION AND NORMALISATION OF THE GERMAN CITIZENSHIP CONCEPT?

The collapse of the former Soviet Union and German unification of 1990 have fundamentally changed the context in which the outmoded notion of German citizenship was upheld. Together with renewed immigration pressures, this has given the German parties an impetus for reassessing their stance on citizenship issues. The external treaty settlements which accompanied German unification effectively lifted the constraints on citizenship policy which had developed with the Cold War. United Germany had no need, as had West Germany until 1990, to uphold an anti-communist state position, or to maintain an ethnic German status, as a ritual assertion of the Germans' right to self-determination. Nevertheless, German unification did not unleash a spontaneous party debate on German citizenship. As in many policy areas, the FRG continued to operate as if those constraints were still in place, falling back on attitudes and structures developed over the 40-year life of the FRG while the country's politicians were preoccupied with the nuts-and-bolts issues of unification. The politicisation – in the partisan sense – of the wider debate on immigration and citizenship took place through the catalyst of unprecedented mass immigration during the early 1990s.

By this time, compared to other western European countries which have become common destinations for foreign entrants, Germany was playing host to a disproportionately high number of foreign entrants (see Table 1).²⁰ General factors contributing to (West) Germany's attraction were a sound economy, exceptionally liberal asylum laws and well-established immigrant communities, drawing in additional family members and acting as a base for further 'chain migration'. In the early 1990s these factors were compounded by the collapse of border restrictions in the former eastern European countries

TABLE 1
INFLOWS OF FOREIGN POPULATION INTO SELECTED WESTERN EUROPEAN
COUNTRIES, 1990-97 (IN THOUSANDS)

	1990	1991	1992	1993	1994	1995	1996	1997
Belgium	50.5	54.1	55.1	53.0	56.0	53.1	51.9	49.2
France	102.4	109.9	116.6	99.2	91.5	77.0	75.5	102.4
Germany	842.4	920.5	1207.6	986.9	774.0	788.3	708.0	615.3
Neths.	81.3	84.3	83.0	87.6	68.4	67.0	77.2	76.7
Norway	15.7	16.1	17.2	22.3	17.9	16.5	17.2	22.0
Sweden	53.2	43.9	39.5	54.8	74.7	36.1	29.3	33.4
Switz.	101.4	109.8	112.1	104.0	91.7	87.9	74.3	72.8
UK	N/a	N/a	203.9	190.3	193.6	206.3	216.4	236.9

TABLE 2
INFLOWS OF ASYLUM-SEEKERS INTO SELECTED WESTERN EUROPEAN
COUNTRIES, 1990-98 (IN THOUSANDS)

	1990	1991	1992	1993	1994	1995	1996	1997	1998
Belgium	13.0	15.4	17.6	26.5	14.7	11.7	12.4	11.8	22.0
France	54.8	47.4	28.9	27.6	26.0	20.4	17.4	21.4	21.8
Germany	193.1	256.1	438.2	322.6	127.2	127.9	116.4	104.4	98.7
Neths.	21.2	21.6	20.3	35.4	52.6	29.3	22.9	34.4	45.2
Norway	4.0	4.6	5.2	12.9	3.4	1.5	1.8	2.3	8.3
Sweden	29.4	27.4	84.0	37.6	18.6	9.0	5.8	9.6	13.0
Switz.	35.8	41.6	18.0	24.7	16.1	17.0	18.0	24.0	41.2
UK	38.2	73.4	32.3	28.0	42.2	55.0	37.0	41.5	57.7

Source: SOPEMI, *Trends in International Migration* (OECD, 1999), Statistical Annex 262-3, Tables A1.1, A.1.4.

and by the civil war in the former Yugoslavia. The numbers of foreign entrants soared, particularly of asylum seekers. In 1992 the number of asylum claims registered was unprecedented: it exceeded the total number for that year in all the other 16 European OECD countries (see Table 2). The numbers of foreign entrants completely overwhelmed the reception and care facilities available in Germany. Against a background of economic downturn and a marked rise in attacks on foreigners, continuing mass immigration was judged to be a profoundly destabilising influence. By the early 1990s, public attitudes towards foreigners had become severely strained and polarised. During 1991 and 1992, polls showed that issues related to foreigners and immigration had achieved very high salience with the public.²¹ With a federal election only two years ahead, this galvanised the political parties into addressing issues of immigration more directly than ever before in the FRG.

CITIZENSHIP (NON-)POLICY UNDER THE BONN REGIME

Citizenship Policy between Ethnicity and Constitutionalism

One outcome of the subordination of West German citizenship policy to more fundamental state aims was that the Germans' approach to citizenship and related issues dated more noticeably than those found in some of Germany's neighbouring states. There was a strongly archaic feel to Germany's regulation of citizenship in the context of contemporary democratic values and practices.

The normative consensus on citizenship status held by contemporary western European states is increasingly characterised by two features – (i) a civic-territorial concept of the nation state, and a corresponding attachment to *jus soli* as the guiding principle of citizenship status. As Hobe notes, *jus sanguinis* is based on the assumption of an ethnically coherent population, and, as a relatively static concept, cannot meet the needs of the contemporary state in creating conditions for many ethnic groups to live together – (ii) a 'constitutionalist' approach to state–citizenship relations.²² Since the Second World War, a belief has become widespread that, in a constitutional democracy, all government acts must conform to constitutional law in order to be considered legitimate.²³ Western democracies have taken steps to standardise individual liberties and civil rights through international treaties and implement them through national and international courts. The pre-unification Bonn regime subscribed to, and indeed promoted, the norm of constitutionalism. A civic-territorial interpretation of the nation state and of national identity gained ground at the expense of once apparently 'natural' ethno-cultural interpretations. However, Bonn found itself unable to depart from the *jus sanguinis* principle and thereby update its citizenship concept to correspond to the western European norm of citizenship weighted towards the *jus soli* principle.

The legal provision for ethnic Germans has particular significance in this context. While the distinction between Germans and aliens may be of little functional difference, its symbolic significance for German political discourse is enormous. It is this aspect of Germany's policy towards foreign incomers which has best illustrated the incompatibility between the archaic values of *völkisch* nationalism and the liberal constitutionalism of the post-war world.²⁴ The fact that the German legal framework for citizenship and naturalisation remains firmly rooted in the *jus sanguinis* principle has meant that citizenship policy in Germany is inextricably entangled in concepts of ethnicity and race. As such, political debate of the issue cannot avoid historical taboos generated by the experience of Nazism in conflict with contemporary ideals of civic-territorial identity. The legally entrenched citizenship rights of ethnic Germans has provoked growing controversy in

the FRG. The principle of legal privilege on the basis of racial origin smacks of the racial policies of the Nazi period and is widely condemned by leftist thinkers and politicians. The sensitivity of the issue can be seen in the range of German terms used to describe the ethnic German category. Terms include *Aussiedler* (literally 'out'-settlers', or 'resettlers'), *Spätaussiedler* (late resettlers) and *Statusdeutsche* (status Germans).²⁵ The racial element of their categorisation is not explicit in any of these terms.

The collapse of the Soviet bloc and German unification removed the instrumental value of ethnic Germans for the kind of state posturing engaged in by the FRG under the conditions of the Cold War. There now seems to be a growing acceptance amongst the political elites – except amongst the majority of CDU/CSU representatives – that discrimination of immigrants on racial grounds is politically unacceptable. Since 1993, developments in policy debate have suggested that it will become easier for those foreigners living on German territory to acquire citizenship while ethnic German privileges will be progressively restricted to those with clear claims. This was the basis of a deal made between the CDU government and SPD opposition to secure the SPD's support for amending the constitutional asylum provisions in the early 1990s.²⁶ Ultimately, the status of ethnic German can be expected to be phased out altogether. In other words, a *völkisch* concept of citizenship will lose ground to a civic-territorial concept in this respect.

Immigration and Citizenship: 'Kein Einwanderungsland'

Writers on mass immigration often hold up the German example – explicitly or implicitly – as the archetype of the 'European model' of the reluctant host country. Traditionally, Germany's official stance has been that it is '*kein Einwanderungsland*' (not a country of immigration). This position is not intended to describe the country's real experience; this would be a denial of reality and would be patently ridiculous. Rather, it is a policy position expressed in law; one which reveals the close links in the German political elite's perception of citizenship, immigration and asylum. Germany's Naturalisation Guidelines (1977/8) §2.3 stated: 'Germany is not a country of immigration; she does not aspire to increase the number of German citizens through naturalisation.'²⁷ This stance represents immigration as permanent settlement associated with naturalisation, and, as a matter of principle, rejects it.²⁸ In Germany, the awarding of citizenship to a foreigner is still seen as a major concession, a breach of the '*völkisch*' principle that a German citizen is born, not made. Consistent with this view, the law has placed many barriers to naturalisation (see below). From the early 1990s, when the immigration issue became highly politically charged, many politicians and academics tried to break away from this official stance with its very restrictive connotations of permanent settlement and naturalisation,

arguing instead for the introduction of a legal and policy framework which would take account of Germany's real experience of immigration.

The regulatory framework for the treatment of foreigners entering the country has been provided by two federal laws: the Aliens' Act and the Asylum Procedure Act. In response to increasing immigration pressures, the Aliens' Act was amended in 1990 and again in 1993 and the Asylum Procedure Act was amended in 1992. In addition, Article 16 of the German constitution, the Basic Law, guarantees the right of asylum for those suffering political persecution. It, too, was amended in 1993, with the aim of excluding claimants from sending countries designated as 'safe'. The asylum compromise was significant in that it was a formal acknowledgement of the need for change in a stalled policy area. Following the 1993 compromise, the mainstream parties began to formalise their respective positions on immigration, asylum and German citizenship, which they represented in position statements and legislative proposals.²⁹

By the late 1990s, a change of emphasis had taken place in the naturalisation debate at elite level. It began to favour naturalisation for foreigners already resident in the country at the expense of those outside the territorial boundaries whose claim was based on 'ethnic' links. This development represents a major modification of the *jus sanguinis* assumption and carried implications for the way in which statehood and citizenship had traditionally been linked under the concept of the *Volk*. The traditional approach to reconciling nationality to inadequate German state boundaries might be expressed in the formula 'wherever the Germans are is Germany'. For Kanstroem, the unification imperative incorporated into the Preamble to the Basic Law expressly invoked an extra-territorial conception of the German people, articulating both ethnic nationalism and the political goal of reunification.³⁰

However, the new consensus implies that the Germans are satisfied with the post-unification territorial status quo: the new approach to reconciling nation and state could be formulated as 'Germans are found within the territorial state boundaries of Germany'.³¹ As we have seen, the SPD/Green coalition government has begun to formalise the new attitudes, which are more typical of those in neighbouring western European countries, in legislation. In fact, towards the end of Kohl's CDU/CSU/FDP administration, a numerical majority of *Bundestag* MPs could already have been found to support a relaxation of the status quo, but the government coalition succeeded in blocking a free vote on key issues. The *Bundestag* debate of 30 October 1997 on the reform of the citizenship law failed to establish a way forward, to the annoyance of the Alliance '90/Greens and SPD, whose representatives complained of up to seven years of procrastination on the part of the government on the reform of the

citizenship law.³² Despite the moves made by the new SPD/Green government towards legislation, the extent of the new consensus should not be overstated. The debate polarises partisan positions to an extraordinary degree and challenges deeply held social and partisan values.

Barriers to naturalisation had already been relaxed slightly under the previous CDU/CSU/FDP government, through fresh amendments to the Aliens Act which came into force in July 1993. Further steps have been taken through the recent Law Reforming the Right of Citizenship, which came into force on 1 January 2000. However, the naturalisation process remains very difficult. Adults wishing to apply for naturalisation must now demonstrate eight years' law-abiding residence in the FRG (compared to the previous requirement of 15 years) and must fulfil numerous conditions. These include competence in the German language, the assessment of which is expected to be more rigorous than in the past, and also to vary in standard from *Bundesland* to *Bundesland*. The applicant must also demonstrate commitment to the Basic Law and be in possession of a valid residence permit. For children, (at least) one of the child's parents is to have had their primary residence in Germany for eight years, to have lived there in a law-abiding manner and to be in possession of a specific type of residence permit (*Aufenthaltserlaubnis* or *unbefristete Aufenthaltserlaubnis*). Further, the award is contingent on decisions made by the individual in adulthood. Children who have been awarded German citizenship through *jus soli* must elect, between the ages of 18 and 23, to adopt *either* German citizenship *or* to revert permanently to that of their parents.³³

Dual nationality has been seen in the German tradition as highly dubious. The assumption has been that anyone with dual nationality must have inherently divided loyalties. As the Bavarian Minister of the Interior Günther Beckstein put it in an interview early in 1998: 'No-one can dance at two weddings.'³⁴ Towards the end of the CDU/CSU/FDP administration in the late 1990s, the question of whether to introduce wider access to dual citizenship for second and subsequent generation immigrants had provoked particularly bitter disagreement. The question divided the coalition government between, on the one hand, the CSU and majority opinion within the CDU, both opposing any relaxation of restrictions, and, on the other hand, a minority within the CDU, the FDP and the opposition parties of SPD, Alliance '90/Greens and PDS, all of which favoured the promotion of dual citizenship in some form.³⁵ The most controversial aspect of the first draft of the Bill Reforming the Right of Citizenship was considered to be the suggested measure to allow naturalising foreigners to retain their original citizenship in tandem with their new German citizenship. This measure was not included in the final draft of the Bill.³⁶

THE CONTEMPORARY CITIZENSHIP DEBATE: 'KULTURNATION' VERSUS 'VERFASSUNGSNATION'

Partisan debate in Germany since the 1990s reveals ongoing tensions between political ideals and perceptions shaped by a *völkisch* concept of nationhood developed in the nineteenth and early twentieth centuries and a civic-territorial concept of the nation state associated, in Germany, with the post-war Bonn regime, with its emphasis on constitutionalism and human rights. This tension is represented at the level of intellectual debate by the terms '*Kulturnation*' (nationhood expressed through ethnic and cultural identity) and '*Verfassungsnation*' (national identity based on the principles of legal constitutionalism). These principles cannot happily co-exist in Germany. The inherited concept of the *Kulturnation* (cultural nation) polarises views on citizenship in Germany. The pre-modern notions feeding the *Kulturnation* position clash harshly with contemporary democratic values, particularly those concerning the civic foundation of the nation state and the idea of constitutional protection for individuals and minorities. To this day, the memory of Nazism continues to channel debate on national identity, effectively ensuring that the *Kulturnation* and *Verfassungsnation* stances remain in opposition to one another.³⁷

In partisan ideological terms, the *Kulturnation* position is linked with a conservative stance, the *Verfassungsnation* position with a left-liberal stance. The *Verfassungsnation* stance was formulated in reaction to, and as a rejection of, the traditional concept of the *Kulturnation*. It entered political discourse in the late 1970s, as West German left-liberal thinkers began to make a case for a German patriotism based explicitly on the political system. The seminal concept of *Verfassungspatriotismus* (constitutional patriotism), coined by Dolf Sternberger,³⁸ became central to the German debate about political identity, particularly following its popularisation by Habermas in the historians' dispute of the 1980s. The fundamental ideological division in German politics between a *Kulturnation* stance and a *Verfassungsnation* stance runs deeper than any sectoral cleavage based on, for example, class or religion. Nowhere is this ideological conflict more prominent than in debate – or, until recently, tacit avoidance – of the German concept of citizenship.

'KULTURNATION', 'VERFASSUNGSNATION', 'ANTIKULTURNATION' AND 'ULTRA-KULTURNATION': CONTEMPORARY PARTISAN VALUES AND CITIZENSHIP POLICY IN UNIFIED GERMANY³⁹

How has Germany's unique pattern of conceptual development influenced partisan perceptions of policy development in citizenship issues?

The 'Kulturation' Stance and the Citizenship Concept

For the Christian Democratic CDU/CSU, the mainstream proponents of the *Kulturation* position, values translate to the following positions on citizenship policy:

- *jus sanguinis* should be preserved as the principle defining German citizenship;
- only citizenship status (and not, for example, immigrant status) should be constitutionally/legally regulated;
- immigration (with the specific implications noted above) should be seen as an exceptional and discretionary measure;
- the integration of long-term foreign residents is seen as the assimilation of individuals into a German cultural framework.

Ostensibly objective measures are frequently called on to justify a *Kulturation* position on citizenship.⁴⁰ These include the codified norms of the German 'state of law' (*Rechtsstaat*), the rulings of the Federal Constitutional Court and the research findings of experts. Nevertheless, one of the leading characteristics of this stance is a highly subjective and emotive view of citizenship and naturalisation. For proponents of the *Kulturation* position, naturalisation – in itself to be the exception rather than the rule – must entail a high degree of emotional commitment to the German state and nation, the culmination of a long path of assimilation. The *jus soli* principle is rejected as it does not allow for the expression of a personal commitment to the German nation state on the part of the claimant.⁴¹ Indeed, the acquisition of German citizenship is sometimes represented almost as if it were the public acknowledgement of a religious conversion.⁴² Belle claims that the adoption of German citizenship can be an 'outward sign' of the culmination of a process of integration in which the foreigner transfers his or her loyalty to Germany. He distinguishes between this stance and that of the Social Democratic SPD, the Greens and the liberal FDP, for whom naturalisation is a prerequisite for integration.⁴³ There is a strong implication that the naturalisation commitment must be 'monogamous': dual nationality is seen as incompatible with this approach except in very exceptional circumstances. Regensburger claims that dual citizenship works against integration in that it keeps alive an 'undesirable 'insurance' mentality'.⁴⁴ The argument is that claimants must burn their boats to their original culture in order to be integrated into German society. There seems to be a deep-seated fear of the 'alienness' of the foreigner and an *a priori* assumption that the unintegrated foreigner will somehow undermine German 'order', both in the sense of cultural norms and state security. It

follows, then, that German citizenship can only be awarded to those who have successfully shed every vestige of 'alienness' and have, to all intents and purposes, become committed Germans. Assimilation into German norms must be total if the immigrant is not to endanger the German community.

Practical justifications for such a stance, while not trivial, seem unable to account for the emotional force with which the argument is expressed. They include, for example, the claim that an unintegrated ethnic minority might demand the official recognition of their language, or protected minority privileges in parliament.⁴⁵ So, for the proponents of a *Kulturnation* stance, and particularly the CSU, the idea of the development of co-existing ethnic and cultural minorities within a predominantly German but acknowledged multicultural society remains unacceptable. The emotive force of the *Kulturnation* stance on citizenship is further reinforced by the strong identification with these central tenets by the CDU/CSU. During the course of the Bundestag debate of 30 October 1997 on the reform of the citizenship law, Meinrad Belle repeated his party group's categorical rejection of dual nationality: 'This is a question of identity for the Union and is not negotiable'.⁴⁶

The 'Verfassungsnation' Stance and the Citizenship Concept

The *Verfassungsnation* stance is upheld by the majority of the representatives of the left-leaning parties, the SPD and the Greens, and also the FDP. Although the FDP had been in government with the CDU/CSU until the election of 1998, on immigration and citizenship issues it had adopted an explicitly *Verfassungsnation* stance, consistent with its commitment to liberal principles. These centre-left 'liberalisers' interpret their *Verfassungsnation* stance in the citizenship policy debate as follows:

- there should be a rebalancing of principles defining citizenship in favour of *jus soli*;
- there should be a constitutional/legal regulation of immigrant status as well as of citizenship status;
- Germany's stance on immigration should be updated, regulated and generally 'normalised' to allow for a legal route to immigration rather than the maintenance of the 'fiction' that any instance of immigration is an exception to the rule. A major aim is to introduce an explicit immigration law and immigration policy to draw together the fragmented aspects of immigration provision. Proponents of the *Verfassungsnation* stance are nervous of encouraging, as opposed to controlling, immigration.
- for mainstream proponents of the *Verfassungsnation* position, German cultural standards are seen as the benchmark for the integration of non-German settlers. That is, in common with the *Kulturnation* position, integration is largely a matter of assimilation into German norms.

However, this stance admits the potential for the maintenance of non-Germanic ethnic and cultural traditions as long as these do not conflict with the cultural-legal principles of the German *Rechtsstaat*. There would appear to be potential for a limited cultural pluralism under these terms.

Essentially, representatives of the *Verfassungsnation* stance are liberalisers. All give priority to integration measures and to naturalisation, including provision for dual nationality. All want to guarantee the right of residence to foreign entrants, leading eventually to naturalisation as a normal developmental path. Within this camp, though, there are wide differences on questions of prioritisation and implementation of these shared aims. The Greens lay greater weight on the integration of resident foreigners into German society and want to phase out the ethnic German status as soon as possible.

The 'Anti-Kulturnation' and 'Ultra-Kulturnation' Stances and the Citizenship Concept

There are two further viewpoints which must be taken into consideration in any discussion of nation, identity and citizenship in contemporary Germany. Neither plays a significant role in parliamentary party politics, but each has a disproportionate influence on political discourse in this area. Both can be conceptualised around the basic *Kulturnation* concept: one representing a radical denial of its claims, the other a radical assertion.

Fringe elements of the Greens and the PDS represent a radical manifestation of a *Verfassungsnation* stance, which could be classified as an 'anti-Kulturnation' position:

- In common with the proponents of the *Verfassungsnation* stance, this view also upholds the *jus soli* principle of citizenship. In this case, however, the principle of *jus soli* is promoted to extent of supplanting that of *jus sanguinis*. In common with the Greens in the more mainstream *Verfassungsnation* camp, the anti-Kulturnation camp wants to phase out the special status of ethnic Germans as soon as possible.
- Like the *Verfassungsnation* stance, the anti-Kulturnation position demands the legal regulation of the status of immigrant and seeks to extend the possibility of immigration particularly to asylum seekers and to those seeking entry to Germany on humanitarian grounds. (This contrasts with the proponents of the *Verfassungsnation* stance whose interests focus on attracting those foreign entrants who might contribute to a flexible workforce.)

- However, the ideological motivation for these policy positions reveals a similar emotional intensity to the *Kulturnation* position, only with radically opposed commitments. In this defining characteristic, proponents of this stance can be seen as representing an extreme reaction to the traditional *Kulturnation* position. Proponents of this stance embrace multiculturalism, often to the point of rejecting German cultural norms. As such, the approach to integration envisaged here is one of mutual interaction between the cultural values of Germans and non-Germans; in some cases giving priority to non-German values. It remains unclear how a non-German cultural pre-eminence might in practice be upheld within the context of the German legal-cultural order.

Parties of the radical right, for example, the Republikaner and the German Peoples' Union, hold an 'Ultra-Kulturnation' stance. Now that German unification has been achieved, citizenship and immigration issues are of prime importance to such parties. They represent a typical 'new right' position: they are xenophobes and are committed to the idea of the German 'Volk'. They see foreigners as a threat to German cultural identity and Christian heritage, and a threat to Germans' employment opportunities. They want to stop immigration, restrict naturalisation and repatriate foreign workers.

THE GERMAN CITIZENSHIP CONCEPT AND THE PUBLIC

Within the political elites, the liberalisers of the *Verfassungsnation* camp appear to be in the ascendancy on questions of German citizenship. However, there are indications that wide sections of the German public is more in sympathy with a *Kulturnation* or even an ultra-*Kulturnation* stance. In particular, the public may be more resistant to efforts to integrate foreigners into German society than the centre-left *Verfassungsnation* liberalisers realise. There are many potential explanations for this, some common to western European democracies, others specific to Germany. In common with other popular western European destinations for immigrants, public opinion polls in Germany have shown a tendency towards intolerance of immigrants and support for measures for restricting immigrant entry.⁴⁷ Hostility towards foreigners, again as for other western European publics, seems to be motivated by economic and social fears and perceptions of relative deprivation. Opinion polls have shown that between 40 and 50 per cent of easterners and some 30 per cent of westerners expressed xenophobic sentiments.⁴⁸

Public prejudice and latent or overt hostility towards foreigners may have been exacerbated by the past irresponsible manipulation of immigration and asylum issues by politicians hoping to score points against

a political opponent, to justify a policy change, or to gain an electoral advantage. The tendency for politicians and the media to sensationalise immigration issues may have contributed to the development of hostile attitudes towards foreigners amongst the public which may prove to have created resistance to the extension of citizenship rights to non-Germans.⁴⁹

Some commentators believe that the notion of the '*Volk*' continues to have contemporary relevance amongst the German public. It is believed that at least some sections of the public still have sympathy for immigration regulations which are biased in favour of those with a German heritage over those without.⁵⁰ Politicians of the mainstream right sometimes appear to be tapping the emotional resonance of such '*Volksdenken*' with the public, but circumspectly, so as to avoid taboo connotations. In January 1989, the then CDU Minister Wolfgang Schäuble remarked that the classic nation states of Europe, in which he implicitly included Germany, 'do not find our identity in commitment to an idea, but in belonging to a particular people (*Volk*)'.⁵¹ In 1989/90 the notion of the *Volk* ('We are one people') was used quite openly by CDU politicians – and some SPD politicians – to justify German unification and create enthusiasm for it in the west of Germany.

Moreover, the German public has recently been faced with renewed confusion over their 'multi-German' identity. On the one hand, confusion has been prompted by unification with the former GDR and the perception of an *Ossi/Wessi* divide in values and character. Further, the waves of ethnic German entrants to Germany in the early 1990s brought home to the public the realisation that ethnic Germans are *not* West Germans, and have cultural values even more distant than the *Ossis*. It is possible that the western and eastern Germans of unified Germany will need a little more time to come to terms with their 'multi-German' identity before readily extending the concept of 'German' to encompass various other cultures and nationalities. Together, these factors suggest an ongoing tension in German society between pre- and post-modern values. As Brubaker notes, 'the barriers to

TABLE 3
GERMANY'S FOREIGN-BORN POPULATION AND NATURALISATION, 1990–97

	1990	1991	1992	1993	1994	1995	1996	1997
Foreign-born pop. (% of total)	8.4	7.3	8.0	8.5	8.6	8.8	8.9	9.0
Naturalisation (% of foreign pop.)	2.1	2.7	3.1	3.1	3.8	4.5	4.2	3.7

Source: SOPEMI, *Trends in International Migration* (OECD, 1999), Statistical Annex: 264–5, tables A.1.6, A.1.7.

naturalisation lie not only in the restrictiveness of legal provisions but equally in the political culture of naturalisation, embodied in attitudes of Germans and immigrants alike. Without a changed understanding of what it is to be – or to become – German, the liberalisation of naturalisation policy will not produce a dramatic surge in naturalisation'.⁵² Ten years after the lifting of the structural constraints imposed by the Cold War on the free articulation of citizenship issues, the Germans' 'normalisation' of their citizenship policy has only just begun.

NOTES

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1. This discussion will be confined to attitudes to German citizenship formulated and developed in the former Federal Republic of Germany (FRG), 1949-1989, and the expanded FRG since 1990. The scope of the piece does not permit coverage of developments in the German Democratic Republic (GDR) during the years 1949-99.
2. L. Greenfeld, *Nationalism. Five Roads to Modernity* (Cambridge, MA/London: Harvard University Press, 1992), pp.277-87.
3. *Ibid.*, p.277.
4. J. Breuilly, 'The National Idea in Modern German History', in J. Breuilly (ed.), *The State of Germany: The National Idea in the Making, Unmaking and Remaking of a Modern Nation-State* (London: Longman, 1992), p.4.
5. A.D. Smith, *National Identity* (Harmondsworth: Penguin, 1991).
6. D. Urwin, 'Germany: From Geographical Expression to Regional Accommodation', in S. Rokkan and D. Urwin (eds.), *The Politics of Territorial Identity* (London: Sage, 1982).
7. H. Schulze, *Kleine deutsche Geschichte* (München: Deutscher Taschenbuch Verlag, 1998), p.25.
8. M. Townson, *Mother-tongue and Fatherland. Language and Politics in German* (Manchester: Manchester University Press, 1992), p.1.
9. G. Smith, *Democracy in Western Germany* (Aldershot: Gower, 3rd edn 1986), p.3.
10. Reichs- und Staatsangehörigkeitsgesetz, July 22 1913 RGBI 583 (RuStAG 1913). The basic features of German citizenship law were first standardized under Kaiser Wilhelm II and survived Bismarck, Weimar, and Hitler, before being adopted with little modification by both the FRG and the GDR. W.R. Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge, MA: Harvard University Press, 1992), p.165; D. Kanstroom, 'Wer sind wir wieder? Laws of Asylum, Immigration and Citizenship in the Struggle for the Soul of the New Germany', *Yale Journal of International Law*, 18/1 (1993), p.177.
11. Kanstroom, 'Wer sind wir wieder?', p.170.
12. F. Walter and F. Bösch, 'Das Ende des christdemokratischen Zeitalters?' in T. Dürr and R. Soldt (eds.), *Die CDU nach Kohl* (Frankfurt am Main: Fischer, 1998), pp.47-51.
13. H.J. Küsters (ed.), *Dokumente zur Deutschlandpolitik* (München: R Oldenbourg, 1996, 2nd series, Vol.2 Die Konstituierung der Bundesrepublik Deutschland und der Deutschen Demokratischen Republik 7 September bis 31 Dezember 1949. Published Documents), pp.xx-xxi; xlvii.
14. R. Schuster, *Deutschlands staatliche Existenz im Widerstreit politischer und rechtlicher Gesichtspunkte 1945-1963* (München: Oldenbourg, 1963); T. Maunz, *Deutsches Staatsrecht* (München: C.H. Beck, 16th edn. 1968); G. Schweigler, *National Consciousness in Divided Germany* (London/Beverly Hills: Sage, Sage Library of Social Research 15, 1975), p.20.

Two approaches to such legal justification were elaborated: the 'Staatskerntheorie' (the 'nuclear state' theory), which held that the FRG formed a nuclear state for all of Germany, with the result that the GDR could be seen as situated within the territory of the FRG, the laws of which thereby applied *de jure* if not *de facto* to the territory inhabited by the GDR; the 'Schrumpfstaattheorie' (the 'atrophied state' theory), which held that the German nation state had 'shrunk' into the FRG, implying that the GDR represented a state-free territory, or an 'occupation zone'. Both of these positions implied the legal non-existence of the GDR as a state and therefore allowed a policy of strict non-recognition.

15. E.D. Plock, *East German–West German Relations and the Fall of the GDR* (Boulder: Westview Press, 1993), p.9.
16. Schweigler, *National Consciousness in Divided Germany*, p.22.
17. Kanstroom, 'Wer sind wir wieder?', p.177.
18. Brubaker, *Citizenship and Nationhood in France and Germany*, p.168.
19. P. Hogwood, *We Are One People. German Politics and Society since Unification* (Manchester: Manchester University Press, forthcoming). While this stance was of particular importance to the FRG, Hollifield argues that it was one widely shared by the western nations in the early years of the Cold War. Discussing the post-war formulation of asylum and refugee policies, he notes: 'it was the beginning of the Cold War in the late 1940s which led to the Geneva Convention in 1951 and the creation of UNHCR. These were essentially Cold War institutions, created to handle the flow of refugees from East to West, in a period (the 1950s and 1960s) when there was little doubt as to the meaning of a "well-founded fear of persecution"'. J. Hollifield, 'Immigration and Integration in Western Europe: A Comparative Analysis', in E. Ucarer and D. Puchala (eds.), *Immigration into Western Societies. Problems and Policies* (London: Pinter, 1997), p.39.
20. SOPEMI, *Trends in International Migration. Annual Report* (1993–99) (Paris: OECD, 1994–99).
21. For example, Kanstroom, 'Wer sind wir wieder?', p.156, note 9.
22. S. Hobe, 'Law of Asylum – A Solution to the Migration Problem?' *German Yearbook of International Law* Vol.36, (Berlin: Duncker and Humblot, 1993), p.82.
23. A. Stone, 'Governing with Judges: The New Constitutionalism', in J. Hayward and E. Page (eds.), *Governing the New Europe* (Cambridge: Polity Press, 1995), p.307.
24. Kanstroom, 'Wer sind wir wieder?', pp.171–2, 209.
25. See, for example, G. Herdegen, 'Aussiedler in der Bundesrepublik Deutschland. Einstellungen und Problemsicht der Bundesbürger', *Deutschland Archiv*, 8 (Aug. s).
26. *Frankfurter Allgemeine Zeitung*, 106, 8 May 1993, p.3; Hobe, 'Law of Asylum – A Solution to the Migration Problem?', pp.71–2; Kanstroom, 'Wer sind wir wieder?', pp.155, 174–5, 185–8, 210–11; G. Neuman, 'Buffer Zones against Refugees: Dublin, Schengen and the German Asylum Amendment', *Virginia Journal of International Law*, 33 (1993), p.517 n.90.
27. Hobe, 'Law of Asylum – A Solution to the Migration Problem?' p.80, n.105; Kanstroom, 'Wer sind wir wieder?', p.179, n.174 and pp.201–2, n.374.
28. Consistent with this definition of immigration and with this rejective stance, Germany has had no immigration law and no explicit immigration policy: these would be seen to provide the basis for the recruitment of permanent settlers adopting German nationality. In practice, Germany accepts foreign incomers – under closely defined conditions – in the following categories: temporary labour migrants, family reunion, ethnic Germans, asylum-seekers, and refugees seeking entry on humanitarian grounds. See Hailbronner, 'Was kann ein Einwanderungsgesetz bewirken?', p.39.
29. FDP Gesetz über die Zuwanderung in der Bundesrepublik Deutschland vom 9.4.97; BÜNDNIS 90/DIE GRÜNEN Entwurf eines Gesetzes zur Regelung der Rechte von Einwanderern und Einwanderinnen (EinwanderungsG) vom 9.4.97, Bundestagsdrucksache (BT-Drs.) 13/7417; SPD Antrag zur Vorlage eines Gesetzes zur Steuerung der Zuwanderung und Förderung der Integration vom 23.4.97, BT-Drs. 13/7511. Cited in Hailbronner, 'Was kann ein Einwanderungsgesetz bewirken?', p.39.
30. Kanstroom, 'Wer sind wir wieder?', p.169.
31. After unification the Preamble of the Basic Law was amended to state: 'The Germans ... have achieved the unity and freedom of Germany in free self-determination'. The parties on the

- far right of the political spectrum were not satisfied with the 'border settlement' of the Two-plus-Four Treaty, but their views are representative of only a small minority in Germany today.
32. *EIU Country Report, Germany* (Economist Intelligence Unit Ltd, 4th Quarter, 1997), pp.14–15; *Das Parlament*, 7 Nov. 1997, pp.1, 7–8.
 33. *Neue Juristische Wochenschrift* 2000, Part 5, xxviii–xxix; SOPEMI, *Trends in International Migration*, 1999, p.142–7.
 34. G. Beckstein (interview) *Focus* 1, 1998, p.37.
 35. *EIU Country Report, Germany*, pp.14–15.
 36. SOPEMI, *Trends in International Migration* 1999, p.146.
 37. This division defined the bitter historians' dispute which erupted in the 1980s over whether it is admissible to relativise the atrocities of the Third Reich, or whether these must forever be set apart as incomparable in historical experience. This debate was perceived as having a direct bearing on questions of German identity and moral integrity as a nation. In short, it posed the question as to whether the Germans could ever recover from the taint of Nazism. The proponents of a *Kulturnation* stance argued for relativisation, those of a *Verfassungsnation* stance argued against (see, for example, G. Eley, 'Nazism, Politics and the Image of the Past: Thoughts on the West German Historikerstreit 1986–1987', *Past and Present*, 121 (Nov. 1988); R.J. Evans, 'The New Nationalism and the Old History: Perspectives on the West German Historikerstreit', *Journal of Modern History*, 59 (Dec. 1987); R.J. Evans, *In Hitler's Shadow: West German Historians and the Attempt to Escape from the Nazi Past* (New York: 1989); I. Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation* (London: Edward Arnold, 2nd edn 1989).
 38. D. Sternberger, *Verfassungspatriotismus* Schriftenreihe der Niedersächsischen Landeszentrale für Politische Bildung – Grundfragen der Demokratie Folge 3, 1982 (from a lecture of 1979).
 39. Except where otherwise stated, the following summary is based on the partisan legislative drafts listed in note 29 above.
 40. See, for example, Bayerischer Staatssekretär Regensburger, speech at the Evangelische Akademie Tützing entitled 'Recht auf Zwei. Integration durch doppelte Staatsbürgerschaft' Bayerisches Staatsministerium des Innern 1 July 1995; Belle (CDU/CSU), and Linzer, State Secretary of the Federal Ministry of the Interior in the Bundestag debate of 30 October 1997 on reform of the citizenship law *Das Parlament*, 7 Nov. 1997, pp.7–8.
 41. Regensburger, 'Recht auf Zwei', p.13.
 42. Brubaker makes a similar point when he notes that, in contrast with France, naturalisation in Germany is perceived as requiring not only a change in legal status, but 'a change in nature, a change in political and cultural identity, a social transubstantiation': *Citizenship and Nationhood in France and Germany*, p.78.
 43. Belle, *Das Parlament*, 7 Nov. 1997, p.7.
 44. Regensburger, 'Recht auf Zwei', p.4
 45. *Ibid.*, p.7.
 46. *Das Parlament*, 7 Nov. 1997, pp.1, 7. Prominent dissenters to the majority CDU/CSU position include Heiner Geißler and Dietmar Schlee (U. Knight and W. Kowalsky, *Deutschland nur den Deutschen? Die Ausländerfrage in Deutschland, Frankreich und den USA* (Erlangen: Straube, 1991), pp.132–3.)
 47. Ucarer and Puchala, *Immigration into Western Societies*, pp.8–9.
 48. M. Kuechler, 'Deutschland den Deutschen: Migration and Naturalization in the 1994 Campaign and Beyond', in R. Dalton (ed.), *Germans Divided. The 1994 Bundestag Elections and the Evolution of the German Party System* (Oxford/Washington DC: Berg, 1996), pp.235–6, 245.
 49. U. Münch, *Asylpolitik in der Bundesrepublik Deutschland. Entwicklung und Alternativen* (Opladen: Leske und Budrich, 1992), p.9; D. Thränhardt, 'The Political Uses of Xenophobia in England, France and Germany', *Party Politics*, 1/3 (1995), pp.323–45.
 50. See Kanstroom, 'Wer sind wir wieder?', pp.177–8, citing Hailbronner.
 51. Knight and Kowalsky, *Deutschland nur den Deutschen?*, p.131, n.4.
 52. Brubaker, *Citizenship and Nationhood in France and Germany*, p.79.